

REMARKS

This paper is in response to the Office Action dated June 12, 2003 and includes a minor amendment to the specification in the interest of clarity and consistency.

Claims 1-138 are active. The claims are subject to a restriction requirement. The application is deemed to contain claims to 37 species relating to corresponding figures as set forth in the Office Action. Applicant is required to elect a single disclosed species for prosecution on the merits if no generic claim is finally held allowable. Restriction is further required between Groups I-IV.

I. Claims 1-34, 58-87, 114-122, 127-128

II. Claims 35-57

III. Claims 88-113, 123-126, and 129-131

IV. Claims 132-138

Applicants hereby elect species 7, Figs. 34 and 37 and Group I claims. The claims that read on Figs. 34 and 37 include claims 1-10, 12-14, 18-20, 22-23, 25-29, 33, 60-63, 73-75, 80, 86-87, 114-116 and 127.

Applicants traverse the restriction of the claims into Groups I and II, an implant and pin and the species of the specified figures. The figures directed to the Group II pin claims are not specified in the list of species.

Many of the elected claims of Group I also include a pin and read on the

elected species. Therefore, examination of certain of the claims of Group I will require the examination by default of certain of the claims of Group II. It is difficult to separate the pin claims from the implant claims because many of the claims have both structures and thus include both groups. For example, elected claim 1 calls one axis of at least one of the first and second pair of axes being offset. One pair of axes is on the pin. Therefore, to be complete, the search of claim 1 mandates a search for pins with a pair of bores with offset axes. Claims

18-20, 22-23 further relate to the pin of claim 1 and so on with others of the claims of Group I. Claims 60-63 also relate to an implant with a pin. Claims 1, 60 and 62 call require particular structure in the pin as well as in the implant. Therefore the Group II claims should not be restricted from the Group I claims as they are interrelated as noted. To be complete, any search of the above implant claims requires a full search in reference to the pins. Therefore, the restriction as to Groups I and II is in error and should be withdrawn.

Claims 35-57 of Group II should also be examined with the Group I claims. The species elected should also include those Figs. showing the various pin configurations which have not been delineated as to separate species in the Office Action, which only includes the different species of implants. For example, Figs. 12-15, 21-32, 26a-26e, 17-20, 40-41, 66 show various pin embodiments not listed in the list of species of the Office Action. The list of species is not inclusive

of or directed to the Group II claims. Therefore these figures should also be included in the group I election of claims and should be included with the elected species 7 of implants.

Minor amendment is made to the specification to clarify the meaning of certain terminology. Claim 1 calls for the claimed pin to have first and second sections defining longitudinal axes. However, the embodiment of Figs. 23 and 66 show curved pins. The added material to the specification is included to define what is meant by a longitudinal axis in the pins of these latter figures. This is not new matter but is provided in the interest of clarity and consistency. The amendment to the specification is made under the new rules wherein only an amended version of the change is required.

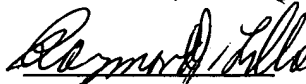
The Office Action does not address the status of the drawings. Formal drawings were filed on October 9, 2002. Applicants respectfully request the status of these drawings.

Entry of this paper is respectfully requested.

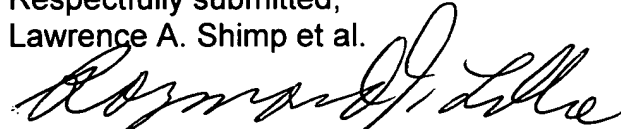
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